S.B.Civil Second Appeal No.251/2005

Indramohan & Ors. vs. Executive Engineer, IGNP & anr.

Date : 4.8.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. GR Punia, for the appellants.

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Heard learned counsel for the appellants.

The appellant's claim in the suit was that the land in dispute was command land and the appellants failed to prove that question and hence, the suit was dismissed by the trial court. The appellate court also reached to the same conclusion. Admittedly, there is no order declaring the land in dispute as command land and according to learned counsel for the appellants, the land was not declared command land which is clear from the stand taken by the State itself. In this situation also, there hardly remains any point for consideration of this Court when the plaintiffs themselves admitted that the State Government by application of mind stayed the declaration of the land as command land.

In view of the above, I do not find that the courts below committed any illegality in recording the finding that the land in question is not command land and consequently, the courts below rightly dismissed the suit.

No substantial question of law is involved in this appeal. Hence, this second appeal is dismissed.

(PRAKASH TATIA), J.

S.Phophaliya